

## **REMARKS**

In the March 17, 2008 Office Action, all of the pending elected claims 1-3 stand rejected in view of prior art. Claims 4-18 were withdrawn from consideration. No other objections or rejections were made in the Office Action.

### ***Status of Claims and Amendments***

In response to the March 17, 2008 Office Action, Applicant has amended claims 1, 3, 5, 8-10 and 13-15 as indicated above. Also, Applicant has cancelled claims 2, 4, 6 and 7. Thus, claims 1, 3, 5 and 8-18 are now pending, with claim 1 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

### ***Rejections - 35 U.S.C. § 103***

On pages 2-3 of the Office Action, claims 1-3 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Uchise et al. (JP 2003-169489). In response, Applicant has amended independent claim 1 to more clearly define the present invention over the prior art of record.

In particular, independent claim 1 now requires, *inter alia*, a refrigerator unit for container, which comprises a ventilation unit configured to ventilate air from an interior of a container, the ventilation unit having a ventilation passage through which ventilated air passes and an opening/closing member configured to open and close the ventilation passage; an acquisition unit configured to acquire ventilation data related to a quantity of air ventilated by the ventilation unit and configured to acquire opening degree data indicating the degree to which the opening/closing member has opened the ventilation passage as at least part of the ventilation data; a recording unit configured to record the ventilation data acquired by the acquisition unit; and a first output unit configured to output the quantity of the air ventilated by the ventilation unit based on the ventilation data recorded by the recording unit, the acquisition unit having an opening degree detecting device and a transmitting device, the opening degree detecting device being configured to detect the opening degree based on a movement amount of the opening/closing member and the transmitting device being configured to transmit the movement amount of the opening/closing member to the opening

degree detecting device.. Clearly this arrangement is **not** disclosed or suggested by Uchise et al. or any other prior art of record.

Specifically, Uchise et al. disclose a fan motor controlling method for controlling the amount of air in burning appliances. According to this method of Uchise et al., in the test stage before control device shipment, the amount of distribution air which circulates with the fan motor is measured in advance, and a nonvolatile storage means 22 is made to memorize the measured amount. On the other hand, in the present invention, opening degree data indicating the degree to which an opening/closing member has opened a ventilation passage is acquired and recorded. This means that the data to be recorded in the present invention is quite different from that of Uchise et al. In other words, Uchise et al. fail to disclose or suggest, *inter alia*, an opening and closing member as claimed whatsoever as well as an acquisition unit configured to acquire opening degree data indicating the degree to which the opening/closing member has opened the ventilation passage as at least part of the ventilation data whatsoever, as now claimed.

It is well settled in U.S. patent law that the mere fact that the prior art can be modified does **not** make the modification obvious, unless the prior art provides some reason for the desirability of the modification. In this case, the prior art of record as well as general knowledge within the art lack such a reason for modifying the device of Uchise et al. Therefore, Applicant respectfully requests that this rejection of independent claim 1 and its dependent claim 3 be withdrawn in view of the above comments and amendments.

#### ***Prior Art Citation***

In the Office Action, additional prior art references were made of record. Applicant believes that these references do not render the claimed invention obvious.

Appl. No. 10/530,181  
Amendment dated July 11, 2008  
Reply to Office Action of December 28, 2007

\* \* \*

In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1, 3, 5 and 8-18 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

/Patrick A. Hilsmier/  
Patrick A. Hilsmier  
Reg. No. 46,034

GLOBAL IP COUNSELORS, LLP  
1233 Twentieth Street, NW, Suite 700  
Washington, DC 20036  
(202)-293-0444  
Dated: July 11, 2008

S:\07-JUL08-YTY\DK-US030200 Amendment.doc